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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,884	05/21/2001	Kenneth L. Davis	30566.128-US-01	6589
55895 7590 02/09/2007 GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			EXAMINER TRAN, QUOC A	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 02/09/2007	DELIVERY MODE PAPER

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FEB 09 2007

Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/862,884
Filing Date: May 21, 2001
Appellant(s): DAVIS, KENNETH L.

MAILED

DEC 05 2006

Technology Center 2100

Jason s. Feldmar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/18/2006 appealing from the Office action mailed 05/19/2006

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US005708845A	Wistendahl et al.	filed 09/29/1995
US005526478A	Russell, Jr. et al.	filed 06/30/1994

US006484156B1

Gupta et al.

filed 09/15/1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Independent claims 1-6, 8-14, 16-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable by Wistendahl et al. US005708845A - filed 09/29/1995 (hereinafter Wistendahl '845), in view of Russell, Jr. et al. - US005526478A - filed- 06/30/1994 (hereinafter Russell '478).

As to independent claim 1, (a) obtaining a sequence of frames to be consecutively displayed on a display device, wherein a frame comprises one or more images (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, also see Fig. 1), discloses a system for editing still and motion images, such as a movie, video program, or live television program captured by a video camera, etc., is digitized via an analog-to-digital (A/D) converter (item 12) into digital data representing a series of display frames F_i , F_{i+2} , F_{i+3} , in a time sequence t for display on a display screen),

(i) an identification of an identified a frame within the sequence of frames

(Wistendahl '845 at col. 4, line 10 through col. 5, line 45, also see Fig. 1 and 5C), discloses "key" frame, as indicated at box 51b, the outline data, position, and frame address are saved as N Data at box 51c.

Using the broadest interpretation Examiner reads an identification of a frame would have been an obvious variant of "key" frame, as indicated at box 51b. The outline data, position, and frame address are saved as N Data for later use with IDM program, to a person of ordinary skill in the art at the time the invention was made.

(b) obtaining annotation information, wherein the annotation information

comprises: (ii) an annotation (Wistendahl '845 at col. 4, lines 0-35, also see Fig. 1 and 5C), discloses using an outlining tool as before, the author draws an outline around an object, such as the airplane shown in frame F.sub.Ki, by drawing an outline OL around the airplane. The author also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame F.sub.Ki;

Using the broadest interpretation Examiner reads an annotation and the annotation information would have been an obvious variant of draws an outline around an object and also marks the position of the object in the key frame, to a person of ordinary skill in the art at the time the invention was made.

(c) Consecutively displaying one or more of the sequence of frames (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, also see Fig. 1), discloses a system for editing still and motion images, such as a movie, video program, or live television program captured by a video camera, etc., is digitized via an analog-to-digital (A/D) converter (item 12) into digital data

representing a series of display frames F_i , F_{i+2} , F_{i+3} , in a time sequence t for display on a display screen),

(d) Determining when the identified frame is displayed, and automatically pausing the display of the sequence of frames at the identified frame (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45) discloses an authoring and mapping of "Hot Spot" As N Data, wherein

the author first brings up on the workstation a key frame $F_{\text{sub.Ki}}$ of a series of frames in a full motion movie or video sequence.

Using a mouse or other type of pointing device 52, the author delineates an object in the key frame, such as the airplane shown in frame $F_{\text{sub.Ki}}$, by drawing an outline OL around the airplane.

The author also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame $F_{\text{sub.Ki}}$. and

By clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame $F_{\text{sub.Ki+N}}$ is reached in which the object is detected.

Using the broadest interpretation Examiner reads an automatically pausing the display of the sequence of frames at the identified frame would have been an obvious inherent of displaying "key" frame of a series of frames in a full motion movie or video sequence then draws an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame $F_{\text{sub.Ki+N}}$ is reached in which the object is detected, to a person of ordinary skill in the

art at the time the invention was made, further more please notes that in order to an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame, the steps of stop and go would have been appreciated by a person of ordinary skill in the art at the time the invention was made in order to perform the above feature,

(f) Continue displaying the sequence of frames subsequent to the identified frame when a user elects to proceed (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45) discloses an authoring and mapping of "Hot Spot" As N Data, wherein

The author first brings up on the workstation a key frame F.sub.Ki of a series of frames in a full motion movie or video sequence.

Using a mouse or other type of pointing device 52, the author delineates an object in the key frame, such as the airplane shown in frame F.sub.Ki, by drawing an outline OL around the airplane.

The author also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame F.sub.Ki. and

by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected.

Using the broadest interpretation Examiner reads an automatically pausing the display of the sequence of frames at the identified frame would have been an obvious inherent of displaying "key" frame of a series of frames in a full motion movie or video sequence then draws an outline

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OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected, to a person of ordinary skill in the art at the time the invention was made, further more please notes that in order to an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame, the steps of stop and go would have been appreciated by a person of ordinary skill in the art at the time the invention was made in order to perform the above feature,

Wistendahl '845 does not explicitly teach, **and (iii) a location on the identified frame to display the annotation, e) displaying the annotation at the location on the identified frame while the display is paused**, however (Russell '478 at col. 3, line 30 through col. 4, line 35, also see Fig. 2-7, discloses an annotation interface, wherein the multimedia information can include graphic, animation visual image, video, etc on a computer display, wherein

A frame buffer is connected to bus and stores the information to be displayed on display, also includes:

Graphics subsystem item 30 processing elements for processing graphics data that are to be displayed on display item 22, that includes four pipelined subsystems:

(1) a geometry subsystem,

(3) a raster subsystem, and

(4) a display subsystem. When a 3-D model needs to be displayed on display. CPU 21

accesses system RAM and ROM 25a and 25b and mass storage device 29 for data relating to the

visual description of the 3-D model. The visual description of the 3-D model is read and stored in computer system 20.

Examiner read the above in the broadest reasonable interpretation, wherein the identified frame to display the annotation would have been an obvious variant of A frame buffer includes four pipelined subsystems: (1) a geometry subsystem, (2) a scan conversion subsystem, (3) a raster subsystem, and (4) a display subsystem is connected to bus and stores the information to be displayed on display, to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl '845 teaching, to include a means of obtaining annotation information, wherein a location on the identified frame to display the annotation of Russell '478. One of ordinary skill in the art would have been motivated to perform such a modification, because they are from the same field of endeavor of authoring, and annotating an object within a specific frame of a set of sequential frames, and enabling object mapping and motion tracking tools, that allows author for outline a number of "hot spots" in a full motion sequence and generate N Data automatically over a series of frames (see Wistendahl '845 at col. 11, line 65 through col. 12, line 10).

As to independent claims 9 and 17, incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.

As to dependent claims 2-6, 10-14 and 18-22 incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following and are similarly rejected along the same rationale,

the annotation comprises text, an arrow, a primitive shape, an animation, a video, however (Russell '478 at col. 3, line 30 through col. 4, line 35, also see Fig. 2-7, discloses an annotation system, wherein the multimedia information can included text, visual image, pointer (item 41 is a 3-D arrow pointing at an area of 3-D model 40), video, 3-D models, an animation etc on a computer display.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl '845, discloses an interactive digital media (IDM) program has Frame Data for the media content and object mapping data (N Data) representing the frame addresses and display location coordinates for objects appearing in the media content, to include a means of obtaining annotation information, wherein the annotation comprises: text, an arrow, a primitive shape, an animation, a video of Russell '478. One of ordinary skill in the art would have been motivated to perform such a modification for enabling an annotating interface, wherein viewers capable of displaying 3-D model at various locations to exchange information with respect to the 3-D model in a consistent environment (as taught by Russell '478 at col. 1, lines 45-60).

As to dependent claims 8 and 24, incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.

Dependent claims 7, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Wistendahl et al. US005708845A - filed 09/29/1995 (hereinafter Wistendahl '845), in view of Russell, Jr. et al. - US005526478A -filed- 06/30/1994 (hereinafter Russell '478), further in view of Gupta et al. US006484156B1- filed- 09/15/1999 (hereinafter Gupta '156).

As to dependent claim 7, Wistendahl '845 and Russell '478 do not explicitly teach, the annotation information is defined in conformance with an extensible markup language (XML) schema, however (as taught by Gupta '156 at col. 6, lines 5-15, i.e. an annotation server and a client computer using Extensible Markup Language (XML)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl '845, discloses an interactive digital media (IDM) program has Frame Data for the media content and object mapping data (N Data) representing the frame addresses and display location coordinates for objects appearing in the media content, to include a means of obtaining annotation information, wherein the annotation information comprises: an annotation of Russell '478, further to include a means of annotations information is defined in conformance with an extensible markup language (XML). One of the ordinary skills in the art would have been motivated to perform such a modification to synchronize the media composition frameworks implied by MPEG-4, Dynamic HTML, other media playback environments, multimedia presentation may also include "annotation" in the HTML environment (as taught by Gupta at col. 1, lines 35-65).

In regard to dependent claim 15, incorporate substantially similar subject matter as cited in claim 7 above, and is similarly rejected along the same rationale.

In regard to dependent claim 23, incorporate substantially similar subject matter as cited in claim 7 above, and is similarly rejected along the same rationale.

(10) Response to Argument

Brief summary of prior art of records:

Wistendahl discloses an interactive digital media (IDM) program comprises:

(a) media content in the form of digital data representing a series of successive display frames having respective frame addresses ("Frame Data");

(b) object mapping data ("N Data") specifying display location coordinates of objects intended to be interactive as they appear in the display frames of the media content;

(c) linkages provided through an interactive digital media (IDM) program from the objects whose display location coordinates are specified by the N Data to respective other functions to be performed upon user selection of the objects in conjunction with display of the media content; and

(d) a user system for operating the IDM program in conjunction with the display of the media content by detecting when an object appearing in one or more display frames is selected by a user and performing the function linked by the IDM program linkage thereto, a web browser and a web server in accordance includes the Internet that provides utility-directed perfecting web pages into local caches (see Fig. 15A-B) and (also see Wistendahl col. 2, lines 40-60).

Russell discloses an annotation interface, wherein the multimedia information can include graphic, animation visual image, video, etc on a computer display (see Russell at col. 3, line 30 through vol. 4, line 35, also see Fig. 2-7), further Russell's annotation interface illustrates in Fig. 3, a computer-controlled display system 20 that includes, keyboard item 23, display item 22, Graphics subsystem item 30 (is used to generate pixel data of images displayed on display 22.

The pixel data are stored in frame buffer 26 and are then used to drive display 22) and pointer manipulation and cursor control device item 27, is used in computer system 20 to permit a user to selectively position a cursor 29 at any desired location on display 22. In addition, pointer manipulation and cursor control device 27 allows the user to select various command modes, input control signals, and generate 3-D pointers for a 3-D model on display 22 (see Russell at col. 4, lines 25-65).

Gupta provides Client/Server Relationship, wherein FIG. 3 illustrates an annotation server and a client computer in more detailed, wherein commands are formulated at client computer item 15 and forwarded to annotation server item 10 via HTTP requests. In the illustrated embodiment of FIG. 3, communication between client item 15 and server item 10 is performed via HTTP, using commands encoded as Uniform Resource Locators (URLs) and data formatted as object linking and embedding (OLE) structured storage documents, or alternatively using Extensible Markup Language (XML) (see Gupta at col. 6, lines 5-15, also see Fig. 3).

Response to Arguments:

Beginning on page 4 of 18 of the appeal brief (hereinafter the brief), Appellant argues the following issues, which are accordingly addressed below.

Appellant argues on pages 4-11 of the of the brief that Wistendahl in combination with Russell and Gupta do not teach:

(A) Automatically pausing a display of a sequence of frames at a particular identified frame,

(B) Displaying an annotation at the location on the identified frame when the sequence has been paused; and

(C) Continuing the display of the sequence of frames when the user selects to proceed;

The appellant argues **automatically pausing a display of a sequence of frames at a particular identified frame.** The examiner respectfully note that using the broadest interpretation, Wistendahl at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45, discloses an authoring and mapping of "Hot Spot" As N Data, wherein the author first brings up on the workstation a key frame of a series of frames in a full motion movie or video sequence. Then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame.

Furthermore please note, in order for user to outline an OL around the airplane, the feature can be perform by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame, the steps of stop and go would have been appreciated by a person of ordinary skill in the art at the time the invention was made, in order to perform the above feature, please note that the phase "Automatically" is not specifically defied "without a human intervention" (please see the disclosed Appellant's invention specification page 2 paragraphs [0222]-[0023] US Patent Application Publication Pub. No .US 2002/0188630),

"[0022] The frame annotation program 108 maintains the ability to pause the sequence of images on a particular frame/image and display/overlay an annotation on the frame. Alternatively, instead of displaying/overlaying an annotation on the frame, frame annotation program 108 may play an audio clip, separate video clip, or other multimedia on display device 102.

[0023] The annotation may be displayed on a specified location on the paused frame. To provide such capabilities, annotation information is provided to application 108. The annotation information may include the identification of the frame, an annotation, and a location on the identified frame to display the annotation. As described above, an annotation may include redlines, text, images, markup data, notes, a box, a circle, an ellipse, a spline, a polyline, a group, an arc, a cloud, a callout, a video (e.g., a

*video clip), an audio recording (e.g., an audio clip), or any other object/entity that may be used to comment or markup. Thus, the annotation may be a primitive shape or a complex shape.
[0024] The annotation and location may be integrated such that the location specifies a series of points or lines that comprise a line, an arrow, or other object. Alternatively, instead of specifying a location, a default location may be assumed or used. For example, if the annotation comprises text, the application 108 may display the text at a default location such as across the top of the frame."*

Wherein the Appellant's invention specification merely discloses the phase "Automatically" performs the "pausing a display of a sequence of frames at a particular identified frame" and does not specifically define the feature is performing "without a human intervention". Thereby, step and go is automatically executable whenever the interruption is triggering by the user click from I/O device (mouse pointer) as taught by Wistendahl at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45 and further taught by (Russell at col. 3, line 30 through vol. 4, line 35, also see Fig. 2-7), in Fig. 3, a computer-controlled display system 20 that includes, keyboard item 23, display item 22, Graphics subsystem item 30 (is used to generate pixel data of images displayed on display 22. The pixel data are stored in frame buffer 26 and are then used to drive display 22) and pointer manipulation and cursor control device item 27, is used in computer system 20 to permit a user to selectively position a cursor 29 at any desired location on display 22, therefore the Examiner respectfully maintains the rejection of "Automatically pausing a display of a sequence of frames at a particular identified frame", and should be sustained.

The appellant argues **displaying an annotation at the location on the identified frame when the sequence has been paused**. The examiner respectfully note that using the broadest interpretation, Wistendahl at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45, discloses an authoring and mapping of "Hot Spot" As N Data, wherein the author first brings up on the workstation a key frame of a

series of frames in a full motion movie or video sequence. Then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame.

Furthermore please note that first the author brings up the key fame (i.e. the identified frame) of a series of frames in a full motion movie or video sequence, then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame (i.e. annotating at the interest location), further more supported to the above, the examiner introduces the Russell's annotation interface, wherein the multimedia information can include graphic, animation visual image, video, etc on a computer display (see Russell at col. 3, line 30 through vol. 4, line 35, also see Fig. 2-7), further Russell's annotation interface illustrates in Fig. 3, a computer-controlled display system 20 that includes, keyboard item 23, display item 22, Graphics subsystem item 30 (is used to generate pixel data of images displayed on display 22. The pixel data are stored in frame buffer 26 and are then used to drive display 22) and pointer manipulation and cursor control device item 27, is used in computer system 20 to permit a user to selectively position a cursor 29 at any desired location on display 22. In addition, pointer manipulation and cursor control device 27 allows the user to select various command modes, input control signals, and generate 3-D pointers for a 3-D model on display 22 (see Russell at col. 4, lines 25-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl teaching, to include a means of obtaining annotation information, wherein a location on the identified frame to display the annotation of Russell. One of ordinary skill in the art would have been motivated to perform such a

modification, because they are from the same field of endeavor of authoring, and annotating an object within a specific frame of a set of sequential frames, and enabling object mapping and motion tracking tools, that allows author for outline a number of "hot spots" in a full motion sequence and generate N Data automatically over a series of frames (see Wistendahl '845 at col. 11, line 65 through col. 12, line 10).

Therefore the Examiner respectfully maintains the rejection of, "displaying an annotation at the location on the identified frame when the sequence has been paused", and should be sustained.

The Appellant argues **continuing the display of the sequence of frames when the user selects to proceed**. The examiner respectfully note that using the broadest interpretation, Wistendahl at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45, discloses an authoring and mapping of "Hot Spot" As N Data, wherein the author first brings up on the workstation a key frame of a series of frames in a full motion movie or video sequence. Then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame, and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected.

Furthermore please note, the notion of using a mouse or other type of pointing device item 52, Wistendahl delineates an object in the key frame, such as the airplane shown in key frame, by drawing an outline OL around the airplane. Wistendahl also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL

in key frame, and then runs the motion-tracking tool by clicking on an MT button of a tool bar item 54 in a graphical interface for the authoring program. The motion tracking function operates to identify the object indicated to be within the outline OL in key frame where it appears in the succeeding frames of the sequence until a last frame $F.sub.Ki+N$ is reached in which the object is detected. The outline data and position of the object in the key frame and the position and frame address of the last frame are stored as N Data by the authoring system (see Wistendahl at col. 4, line 10 through col. 11, lines 29-45), furthermore to support the above, the examiner introduces Russell reference, at col. 7, lines 60-65, also see Fig. 4A, discloses an annotation interface, wherein the multimedia information can include graphic, animation visual image, video, etc on a computer display, wherein Control panel 57 includes three control elements 57a-57c for controlling animation. Element 57a is used to stop the animation, element 57b is used to play the animation, and element 57c is used to record the animation.

Therefore the examiner respectfully maintains the rejection of, "continuing the display of the sequence of frames when the user selects to proceed", and should be sustained.

Appellant argues on pages 11-13 of the brief that Wistendahl in combination with Russell and Gupta do not teach, **the annotation information is defined in conformance with an extensible markup language (XML) schema**. The examiner respectfully disagree, the examiner respectfully note that Gupta provided Client/Server Relationship, wherein FIG. 3 illustrates an annotation server and a client computer in more detailed, wherein commands are formulated at client computer item 15 and forwarded to annotation server item 10 via HTTP requests. In the illustrated embodiment of FIG. 3, communication between client item 15 and server item 10 is performed via HTTP, using commands encoded as Uniform Resource Locators (URLs) and data

formatted as object linking and embedding (OLE) structured storage documents, or alternatively using Extensible Markup Language (XML) (see Gupta at col. 6, lines 5-15, also see Fig. 3).

Therefore the Examiner respectfully maintains the rejection of "the annotation information is defined in conformance with an extensible markup language (XML) schema, and should be sustained.

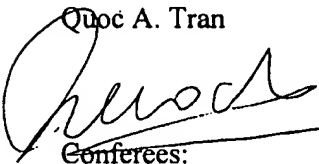
Therefore the Examiner respectfully maintains the rejection of claims 1-24 and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

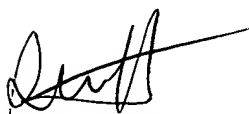
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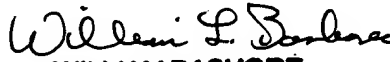
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